

REMARKS

Claims 12-16, 18-20, 22, and 23 are pending in this application. Non-elected claims 14, 15, 19, and 20 have been withdrawn from consideration by the Examiner. By this Amendment, claims 12, 16, 18, and 23 are amended and claims 17 and 21 are canceled. Support for the amendments to the claims may be found, for example, in the claims as originally filed. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and following remarks, Applicants respectfully request reconsideration and allowance.

I. Claim Objections

The Office Action objects to claims 12, 18, and 23 for an informality. By this Amendment, claims 12, 18, and 23 are amended to overcome the objection. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objections.

II. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 12, 13, and 16-18 as being indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claim 17 is canceled and claims 12, 16,

and 18 are amended according to the Examiner's helpful suggestion. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

III. Enablement Rejection under 35 U.S.C. §112, First Paragraph

The Office Action rejects claim 16 under the enablement requirement of 35 U.S.C. §112, first paragraph. Without conceding the propriety of the rejection, claim 16 is amended to recite:

16. A method of treating a pathology selected from the group consisting of multiple sclerosis and schizophrenia,
the method comprising administering to an individual having the pathology the composition of claim 12.

This amendment incorporates the subject matter of non-rejected and canceled claim 17. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. Rejoinder

Applicants also respectfully request rejoinder of non-elected product claims 14 and 15 and method claims 19 and 20. Because claims 14 and 15 depend from claim 12 and claims 19 and 20 depend from claim 18, unity of invention exists between these claims and as a result, they should be rejoined.

In addition, it is understood that upon allowance of the elected species, search and examination should continue as to the non-elected species within the scope of the generic claims. Because generic claims 12 and 18 are believed to be allowable, Applicants respectfully request rejoinder and examination of the claims directed to non-elected species.


For at least these reasons, Applicants respectfully request withdrawal of the Election of Species Requirement and rejoinder of claims 14, 15, 19, and 20.

V. Conclusion

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the application.

Should the Examiner believe that anything further would be desirable to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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